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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,915	12/12/2001	Igor Davidovich Kushnirskiy	0007056-0234	2280

26263 7590 10/05/2004

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EXAMINER

HOANG, PHUONG N

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,915

Applicant(s)

KUSHNIRSKIY ET AL.

Examiner

Phuong N. Hoang

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 27 are pending for examination.
2. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriate, on page 12 lines 13 - 16; the entire specification should be so revised).

Drawings

3. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1 – 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 2, 13 – 14, 25 – 26 of copending Application No. 10/023,008 (refer as 008). Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems comprise substantially the same figures. The differences between the 008 application and this case is the claimed wrapper. It would have been obvious to one of ordinary skill in the art to recognize that the wrapper is needed to wrap the different APIs to make them compatible for communication.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9, 18, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The claim language in the following claims is not clearly understood:

i. As to claims 9, 18, and 27, at lines 12 – 14, it is not clearly understood that there is only a second pluglet manager interface, but not having a first pluglet manager interface; at lines 20 – 22, there is only a second pluglet tag information, but not having a first pluglet tag information.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1 – 8, 10 – 17, and 19 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) pages 1 - 7 in view of Bandhauer “A zero generated code XPConnect proposal” pages 1 - 6.**

10. **As to claim 1**, the APA teaches an Application Programming Interface (API), comprising the step of:

a platform-independent plug-in API (pluglet API 200, page 6 lines 3 – 9);
a browser plug-in API (browser plug-in API 230, page 6 lines 3 – 9) ; and
an intermediary (intermediary, page 6 lines 3 – 9) between the platform-independent plug-in API and the browser plug-in API.

The APA does not explicitly teach the plug-in API including a wrapper.

Bandhauer teaches the wrapper (wrapper, pages 2 – 3 section Proxies).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the APA and Bandhauer's system because Bandhauer's wrapper would let the platform independent plug-in API communicate with the intermediary with its capability that converts the interfaces to be compatible to enable the communication.

11. **As to claim 2**, Bandhauer teaches the steps comprising of:

a first interface (pluglet API 200, page 6 lines 3 – 9) in the platform independent plug-in API; and

a second interface (interface, page 2 last paragraph) in the wrapper, wherein the platform independent plug-in API is connected to the wrapper at the first and second interfaces.

12. **As to claim 3**, the APA teaches the step of wherein the intermediary is a Blackconnect component (blackconnect, page 7 lines 1 - 11).
13. **As to claim 4**, the APA teaches the step of wherein the Blackconnect component includes an XPCOM component (XPCOM, page 7 lines 1 - 11).
14. **As to claims 5 and 6**, the APA teaches the step of wherein the platform independent plug-in API is written in a Java platform independent programming language (plug-in developed in the Java programming language, page 5 section plug-in development).
15. **As to claim 7**, The APA teaches the step of wherein the platform independent plug-in API is a backward compatible API (Java API is a compatible API that can run on cross-platform environment, page 5 section plug-in development).
16. **As to claim 8**, Bandhauer teaches the step of scriptable plug-in API (Javascript native object interface, page 2 last paragraph – page 3) wherein the scriptable plug-in API connects the browser plug-in API with the intermediary.
17. **As to claim 10**, it is the method claim of claim 1. See rejection for claim 1 above.

18. **As to claims 11 – 17**, see rejection for claims 2 – 8 above.
19. **As to claim 19**, it is the product claim of claim 1. See rejection for claim 1 above.
20. **As to claims 20 – 26**, see rejection for claims 2 – 8 above.

Allowable Subject Matter

21. Claims 9, 18 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

22. The prior art made of record and not relied upon request is considered to be pertinent to applicant's disclosure.

Kushnirskiy and Arora, "Java Pluglet API", July 2001, demonstrating plug-in API.

Burns "Intergration of the Java Platform with Mozilla", August 2001,
demonstrating XPCOM components.

Burns "Adding Java Platform Value to Mozilla", March 2001, demonstrating a
method for bridging the Java Platform and Mozilla.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph
September 28, 2004


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
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